

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KARLEEN K. LEE

Plaintiff,

COMPLAINT

v.

Index No.:

BIENVENIDO POLANCO,
UBER TECHNOLOGIES,
UBER USA, LLC,

Defendants.

PARTIES

1. That at all times hereinafter mentioned, Plaintiff, KARLEEN K. LEE was a resident of the City of Phoenix and State of Arizona.
2. Upon information and belief, at all times hereinafter mentioned, the Defendant BIENVENIDO POLANCO, was a resident of the Hamlet of Tappan, County of Rockland, and State of New York.
3. That upon information and belief, on or about October 5, 2023, the Defendant, UBER TECHNOLOGIES, INC. was and is a foreign business corporation, incorporated in Delaware and with a principal place of business in California.
4. That upon information and belief, on or about October 5, 2023, The Defendant, UBER USA, LLC was and is a foreign Limited Liability Company, incorporated in Delaware, and with a principal place of business in California.

JURISDICITON

5. This Court has jurisdiction to hear this matter pursuant to U.S. Code §1332.
6. There is complete diversity of jurisdiction in that Defendant BIENVENIDO POLANCO is a citizen of the State of New York, UBER TECHNOLOGIES, INC. and UBER USA, LLC

(collectively “UBER”) are citizens of either California or Delaware, and the Plaintiff is a citizen of the State of Arizona.

7. The amount in controversy exceeds \$75,000.
8. Moreover, the Court has personal jurisdiction over all of the named Defendants. Defendant BIENVENIDO POLANCO is a citizen of New York; while UBER regularly conducts or transacts business in the state of New York and have availed themselves of the laws and protections of the State of New York.

VENUE

9. Venue is proper in this district under 28 U.S.C. §1391(b) in that all named Defendants transact business within this district and the conduct complained of occurred within this district.

FACTS

10. That upon information and belief, on or about October 5, 2023, the Defendant, BIENVENIDO POLANCO was the registered owner of the 2020 Honda Motor Vehicle with license plate number T103938C, registered in the State of New York for the year 2023.
11. That upon information and belief, and at the time and place aforementioned, Defendant, BIENVENIDO POLANCO, was operating the aforementioned motor vehicle under the “Uber” name with knowledge of Defendants, UBER.
12. That upon information and belief, and at the time and place aforementioned, Defendant, BIENVENIDO POLANCO, was operating the aforementioned motor vehicle under the “Uber” name with permission and consent of UBER.
13. That upon information and belief, on or about October 5, 2023 and at all times hereinafter mentioned, UBER, dispatched the aforesaid 2020 Honda motor vehicle.

14. That upon information and belief, on or about October 5, 2023 and at all times hereinafter mentioned, Defendant UBER dispatched the aforesaid 2020 Honda motor vehicle.
15. That on or about October 5, 2023, the Defendant, BIENVENIDO POLANCO, was operating the aforementioned 2020 Honda motor vehicle, bearing the license plate number T103938C, on West 48th Street, in the City of New York, County of New York, and State of New York.
16. That upon information and belief, on or about October 5, 2023, Defendant, BIENVENIDO POLANCO, was an employee of UBER TECHNOLOGIES, INC.
17. That upon information and belief, on or about October 5, 2023, Defendant, BIENVENIDO POLANCO, was an employee of UBER USA, LLC.
18. That upon information and belief, on or about October 5, 2023, Defendant, BIENVENIDO POLANCO, was operating the aforesaid Honda motor vehicle while in the course of his employment with Defendant UBER TECHNOLOGIES, INC.
19. That upon information and belief, on or about October 5, 2023, Defendant, BIENVENIDO POLANCO, was operating the aforesaid Honda motor vehicle while in the course of his employment with Defendant UBER USA, LLC.
20. That at all times hereinafter mentioned, West 48th Street in the City of New York, County of New York and State of New York was a public street, highway and/or thoroughfare.
21. That on or about October 5, 2023 Plaintiff KARLEEN K. LEE was a lawful passenger in the aforesaid 2020 Honda motor vehicle bearing the license plate number T103938C, which was being operated by Defendant, BIENVENIDO POLANCO.
22. That on or about October 5, 2023, as Plaintiff, KARLEEN K. LEE, began to exit the aforesaid vehicle, Defendant BIENVENIDO POLANCO proceeded to drive the vehicle away, causing Plaintiff to fall to the ground.

COUNT ONE: NEGLIGENCE

23. That the collision herein occurred wholly and solely as a result of the negligent, careless, and reckless manner in which the Defendants owned and operated their motor vehicle on or about October 5, 2023 without any fault or want of care on the part of the Plaintiff.

24. That UBER is vicariously liable for the acts, and/or omissions of its employee BIENVENIDO POLANCO.

25. That as a result of the negligence, recklessness and carelessness of the Defendants, Plaintiff suffered and sustained serious injuries as the same are defined in §5102(d) of the Insurance Law of the State of New York, as amended, and the Plaintiff has been caused to suffer and sustain personal injuries in and to the body which are permanent in nature. That the Plaintiff has also sustained economic loss greater than basic economic loss as defined in §5102(a) of the Insurance Law of the State of New York, and has or may be caused to suffer loss in excess of the jurisdictional limits of all lower Courts.

26. That the limitations on joint and several liability established under Article 16 of the Civil Practice Laws and Rules of the State of New York do not apply herein on the grounds that the exception enumerated under CPLR Sections 1602(6) and (7) are applicable to the Plaintiff's claims in the within action.

WHEREFORE, the Plaintiff demands judgment against the Defendants, either jointly or severally, in an amount that exceeds the jurisdictional limits of all lower Courts that would otherwise have jurisdiction; and for such other, further or different relief as the Court may deem just and proper, together with the costs and disbursements of the action.

PLAINTIFF DEMANDS A JURY TRIAL

DATED: July 26, 2024

HILLER COMERFORD INJURY & DISABILITY LAW, PLLC

By: 

KENNETH HILLER, ESQ.

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STATE OF ARIZONA)
COUNTY OF Maricopa) ss:

KARLEEN K. LEE, being duly sworn, deposes and says that she is the Plaintiff in this action; that she has read the foregoing Complaint and knows the contents thereof; that the same is true to the knowledge of deponents, except as to matters therein stated to be alleged on information and belief, and that as to those matters she believed them to be true.

Karleene K. Lee
KARLEEN K. LEE

Sworn to before me this
30 day of July, 2024

[Signature]
Notary Public

